

**The Pending Claims:**

Claims 1-9 are pending. A courtesy copy of the claims is attached.

**The Outstanding Rejections:**

Claims 1-9 stand rejected under 35 U.S.C. 112, 1st ¶, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most clearly connected, to make and/or use the invention.

Claims 1, 5, and 7-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-032608 to *Sasahara*, while claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the same reference. Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sasahara* in view of U.S. Patent No. 5,209,185 to *Chikazawa*.

**Summary of the Telephone Interview**

Applicants are appreciative for the Examiner's granting a telephone interview on February 25, 2003 to Applicants' representative. Applicants wish to supplement the Examiner Interview Summary Record issued by the Examiner on February 25, 2003, after the telephone interview.

First, the Examiner agreed that in light of the Applicants' explanations set forth at the interview and repeated below, the art rejections would not stand.

Second, the Examiner explained that because of a brochure that Applicants had submitted on November 1, 2002 (NISOH) which in her view equated alpha starch with other

starches, she needed Applicants to amend the specification to include the definition of "alpha-starch." The Examiner Interview Summary Record reflects that Applicants did not want to add any unnecessary material to the specification but does not state the reason for Applicants' reluctance to amending the specification: "alpha-starch" is not a trade name, and the Examiner agreed with this position during the interview.

Third, as the record reflects, the 112 1<sup>st</sup> ¶ rejection was discussed. An Unofficial Communication submitted prior to the interview for the Examiner's consideration was principally directed to demonstrating that the rejection was not well taken. The Unofficial Communication contained excerpts from the U.S. patent references (duplicated below). These references were selected from among the references that had already been identified in a search, the results of which had been submitted to the Examiner with the response of November 1, 2002. The reason for this was to rebut the charge that "alpha-starch" is a trade name. This charge was first articulated in the Advisory Action of November 22, 2002. The rejection prior to that was based on the Examiner's position that "alpha-starch" was not an art-recognized term, which is a different basis than a trade name. It is accordingly believed that Applicants were justified in rebutting a new issue with new evidence.

The evidence was actually not "new" since it was selected from the search results of the same type of search that had been demonstrated to the Examiner in a prior response. The Examiner had clearly considered this submission since she had commented in the Final Office Action that a majority of the patents submitted were based on applications originating in Japan.

Lastly, the Examiner Interview Summary Record correctly reflects that Applicants contemplated refiling the application to submit an Official Communication including the information submitted unofficially but in more detail, but that contemplated action was

*but w/o submission  
of evidence to  
the examiner  
regarding  
stand*